

Prob12B  
D/NV Form  
Rev. July 2013

United States District Court

for

the District of Nevada

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**REQUEST FOR MODIFICATION**  
**TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**  
*Probation Form 49 (Waiver of Hearing) is Attached*  
**March 4, 2014**

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Name of Offender: ERNEST JOHNSON

Case Number: 2:98-cr-341-RLH-LRL

Name of Sentencing Judicial Officer: Honorable David W. Hagen

Date of Original Sentence: October 4, 1999

Original Offense: Bank Robbery with the Use of a Deadly Weapon

Original Sentence: 188 months custody; 5 years supervised release

Date Supervision Commenced: July 11, 2012

Name of Assigned Judicial Officer: Honorable Roger L. Hunt

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**PETITIONING THE COURT**

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To extend the term of supervision \_\_\_\_\_ Months, for a total term of \_\_\_\_\_ Months.

To modify the conditions of supervision as follows:

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1. **You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.**
2. **You shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which you have a control or interest.**
3. **You shall be confined to home confinement between the hours of 5:00 pm and 4:30 am, with location monitoring to include GPS, if available, for a period of three months. This schedule is subject to an adjustment for purposes of employment as approved and directed by the Probation Officer. You shall pay 100% of the costs of the location monitoring services.**

**RE: ERNEST JOHNSON**

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**CAUSE**

On February 11, 2014, a financial investigation was initiated on Johnson due to his outstanding fine obligation. Johnson was asked to bring the last three months of his bank statements to show this officer. Johnson brought in July 2013, October 2013 and February 2014 bank statements and reported that this was what the bank provided him. The undersigned officer made it clear to Johnson that he needed to provide the last three consecutive months of his bank statements and gave him another week to complete this request. Johnson did comply with this request the second time. While reviewing his bank statements for the month of November 2014, it was discovered that Johnson had deposited approximately \$12,000 in cash at various times throughout this month. Johnson initially explained that his nephew deposited the money into his account to hide it from his wife. After further questioning and investigation, it was discovered that Johnson has reverted back to gambling and admits to having a serious gambling addiction. Johnson reported that he has been gambling in an effort to supplement his income.

Johnson's gambling addiction led to his current conviction and two prior convictions for robbing grocery stores by use of force with a deadly weapon. As such, Johnson, as a condition of his release, is prohibited from entering any gaming establishment or gambling. While Johnson claims he does not want to go back to prison, he also continues to lead himself down a destructive path.

As a controlling intervention, it is recommended Johnson's conditions be modified to include a curfew for 90 days, requiring him to be in his residence between the hours of 5:00 pm and 4:30 am daily, with location monitoring to include GPS. The utilization of GPS will enable our office to monitor his movement in the community to ensure he is not entering any gaming establishments. As a correctional intervention, Johnson will be referred back to gambling treatment and will have increased contact with the probation officer.

Johnson does not oppose this modification and waived his right to both an attorney and a hearing. The form is attached for the Court's review.

Respectfully submitted,

  
REBECCA L. CAPSTICK  
United States Probation Officer

APPROVED:

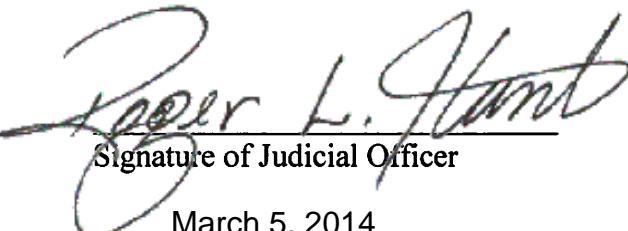
  
TODD J. FREDLUND, Supervising  
United States Probation Officer

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**RE: ERNEST JOHNSON**

**THE COURT ORDERS:**

- No action  
 The extension of supervision as noted above  
 The modification of conditions as noted above  
 Other

  
Signature of Judicial Officer

March 5, 2014  
Date

PROB 49  
(3/89)

UNITED STATES DISTRICT COURT

District of Nevada

Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Debt Obligations** - You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.
2. **Access to Financial Information** - You shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which you have a control or interest.
3. **Curfew with Location Monitoring** - You shall be confined to home confinement between the hours of 5:00 pm and 4:30am, with location monitoring to include GPS, if available, for a period of three months. This schedule is subject to an adjustment for purposes of employment as approved and directed by the Probation Officer. You shall pay 100% of the costs of the location monitoring services.

Witness R Capstick  
U.S. Probation Officer

Signed Mark Johnson  
Probationer or Supervised Releasee

March 3, 2014

Date